UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: Bertram H. Berk Jr. aka BJ Berk Karen M. Berk Debtors	BK. NO. 16-00601 JJT
Ditech Financial LLC Movant v. Bertram H. Berk Jr. aka BJ Berk Karen M. Berk Debtors and William G. Schwab Esq. Trustee	CHAPTER 7

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Date: March 24, 2016

/s/ Joshua I. Goldman, Esquire ___
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: Bertram H. Berk Jr. aka BJ Berk **Karen M. Berk** **Debtors**	**CHAPTER 7**
Ditech Financial LLC **Movant** **vs.**	**NO. 16-00601 JJT**
Bertram H. Berk Jr. aka BJ Berk **Karen M. Berk** **Debtors**	
William G. Schwab Esq. **Trustee**	**11 U.S.C. Section 362**

MOTION OF Ditech Financial LLC
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362

1. Movant is Ditech Financial LLC.

2. Debtors are the owners of the premises 1411 Silver Maple Road F/K/A 1411 Maple Road, Effort, PA 18330, hereinafter referred to as the mortgaged premises.

3. William G. Schwab Esq., is the Trustee appointed by the Court.

4. Movant is the holder of a mortgage, original principal amount of $120,000.00 on the mortgaged premises that was executed on December 10, 2004. Said mortgage was recorded on February 24, 2005 at Book 2217, Page 2542. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on March 22, 2013, at Book 2417, Page 4333 in Monroe County. Documentation provided is in support of right to seek a life of stay and foreclosure if necessary.

5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 7 Petition in Bankruptcy by Debtors.

6. Debtors have failed to make the monthly mortgage payments for the months of September 2013 through March 2016.

7. As of March 9, 2016, the total amount necessary to reinstate the loan contractually is $32,668.63 (plus attorney fees and costs).

8. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred $550.00 in legal fees and $176.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

9. Movant is entitled to relief from stay for cause. Furthermore, there is no equity in the property and Movant is not adequately protected.

10. Pursuant to the Statement of Intention, the referenced property is being surrendered.

11. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises.

Date: March 24, 2016

/s/ Joshua I. Goldman, Esquire

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